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| 09/808,553 | 03/14/2001 | Nikhil Jhingan | 1870-01400 JMH | 3915 |

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EXAMINER

ZHONG, CHAD

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2154

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/808,553

Applicant(s)

JHINGAN ET AL.

Examiner

Chad Zhong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. The specification is objected to because of the following:
current US patent policy does not permit the use of hyperlinks in the specification. Such links are directed to an Internet site, the contents of which are subject to change without notice. Therefore, the potential for inclusion of new matter would be a constant problem. See page 12-15 for example. Correction is required.
4. The use of the trademark Microsoft, Netscape, among others have been noted in this application (pg 1, lines 28-29). It should be capitalized wherever it appears and be accompanied by the generic terminology. Appropriate correction is required.
5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "redirection of information data streams based on Server response times".

Claim Rejections - 35 USC § 112, second paragraph

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention.

- a. The following terms lack antecedent basis:
 - i. the response time – claims 4, 14

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-4, 9-14, 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kenner et al. (hereinafter Kenner), US 6,112,239.

9. As per claim 1, Kenner teaches a method for storing and retrieving user-specific content in a client-server computer network, the method comprising the steps of:

sending, from a first computer, a request relating to user-specific content to a second computer in a client-server computer network (Col. 5, lines 35-50; Col. 8, lines 43-56);

determining a third computer in the client-server computer network which is geographically proximal to the first computer (Col. 6, lines 20-28; Col. 7, lines 42-55);

redirecting, by the second computer, the request to the third computer (Col. 16, lines 43-48); and

providing a user-specific content transaction between the first and third computers (Col. 14, lines 12-14).

10. As per claim 2, Kenner teaches the method as in claim 1, wherein when the request is a first request the step of determining the third computer includes the step of redirecting, by the second computer, the request first to a fourth computer in the client-server computer network

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(Col. 16, lines 43-48; Col. 8, lines 43-58).

11. As per claim 3, Kenner teaches the method as in claim 2, wherein the step of determining the third computer further includes the step of redirecting, by the fourth computer, the request next to a plurality of computers in the client-server computer network (Fig 1; Col. 16, lines 43-48).

12. As per claim 4, Kenner teaches the method as in claim 3, wherein the step of determining the third computer further includes the step of measuring the response time of the communication between each of the plurality of computers and the first computer (Col. 5, lines 37-49; Col. 13, lines 35-45; Col. 10, lines 10-45).

13. As per claims 11-14, Claims 11-14 are rejected for the same reasons as rejection to claims 1-4 above.

14. As per claim 9, Kenner teaches the method as in claim 1, wherein the step of redirecting, by the second computer, the request to the third computer includes the step of providing, by the third computer, a session key to the second computer (Col. 15, lines 36-57; Col. 16, lines 49-67; Col. 20, lines 31-50; Col. 21, lines 15-35).

15. As per claim 10, Kenner teaches the method as in claim 9, wherein the step of redirecting, by the second computer, the request to the third computer further includes the step of modifying the request using the session key before redirecting the request to the third computer (Col. 15, lines 36-57; Col. 16, lines 49-67; Col. 20, lines 31-50; Col. 21, lines 15-35; Col. 14, lines 10-15).

16. As per claims 19-20, Claims 19-20 are rejected for the same reasons as rejection to claims 9 and 10 above.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 5-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenner et al. (hereinafter Kenner), US 6,112,239 in view of 'Official Notice'.

19. As per claim 5, Kenner does not explicitly teach the method as in claim 4, wherein the step of determining the third computer further includes the step of determining the shortest response time and identifying as the third computer one of the plurality of computers measuring the shortest response time. However 'Official Notice' is taken by the Examiner that the concept and advantages of providing for third computer determining response time is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to allow for the 3rd computer to determine the shortest response time with Kenner because it would divide up the tasks throughout the network rather than to have the client handle a burdensome process by itself. Further, the ability to determine shortest response time at the client provides for functional equivalency as ability to determine this figure using the content servers. This capability is seen as design choice rather than patentable subject matter. Examiner would like to point out that in either case, the content server with the fastest response time will get elected and the testing results get forwarded to the second computer as discussed in further details below.

20. As per claim 6, Kenner teaches the method as in claim 5, wherein the step of determining the third computer further includes the step of responding, by the third computer, to the first request to the first computer (Col. 14, lines 10-15; Col. 16, lines 29-67).

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21. As per claim 7, Kenner teaches the method as in claim 6, wherein the step of determining the third computer further includes the step of causing the first computer to provide the second computer with details relating to the third computer (Col. 13, lines 35-45).

22. As per claim 8, Kenner does not explicitly teach the method as in claim 7, wherein the step of determining the 3rd computer further includes the step of creating a new account at the third computer for the first computer. However 'Official Notice' is taken by the Examiner that the concept and advantages of third computer creating an account for the first computer is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to allow for the 3rd computer to create an account with Kenner because it would provide for fee collection and various account services. Furthermore, Kenner suggested the notion of different accounts and keep track thereof, thus the content servers or the 3rd computer is fully capable of account creation because it is well known in the art for servers to create accounts for their clients.

23. As per claims 15-18, claims 15-18 are rejected for the same reasons as rejection to claims 5-8 above.

Conclusion

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "A Global Storage System".

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| i. | US 6108703 | Leighton et al. |
| ii. | US 5774668 | Choquier et al. |

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
May 20, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100